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Attorneys for Plaintiff
RAUL SANCHEZ, individually,
and on behalf of the general public,
and as an “aggrieved employee”

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAUL SANCHEZ, individually, and on behalf of
the general public, and as an aggrieved employee
under the California Labor Code Private Attorney
Generals Act,

Plaintiff,

v.

C&H SUGAR COMPANY, INC.,

Defendant.

Case No. 3:17-cv-05431-EDL

MODIFIED

**STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE CASE DEADLINES AND
TRIAL DATE**

Complaint Filed: September 19, 2017
FAC Filed: October 10, 2017
SAC Filed: June 15, 2018

1 The Parties submit the following Stipulation and [Proposed] Order to Continue Case Deadlines
2 and Trial Date as follows:

3 WHEREAS, on May 15, 2018, the Court conducted a case management conference. Thereafter,
4 on June 4, 2018, the Court issued its Case Management and Pretrial Order for Jury Trial, setting the
5 following case schedule:

- 6 • All fact discovery must be completed by January 4, 2019;
- 7 • Initial expert disclosures are due January 18, 2019;
- 8 • Defendant's opening dispositive motion must be filed by January 29, 2019;
- 9 • Rebuttal expert disclosures are due February 1, 2019;
- 10 • Plaintiff's combined opposition and any cross-dispositive motion brief is due
11 February 12, 2019;
- 12 • Defendant's combined reply and opposition to any cross-dispositive motion is due
13 February 26, 2019;
- 14 • Plaintiff's reply to any cross-dispositive motion brief is due March 5, 2019;
- 15 • The last day for hearing dispositive motions is March 19, 2019;
- 16 • Expert discovery must be completed by March 29, 2019;
- 17 • Pretrial Conference set for June 11, 2019 at 2:00 p.m.; and
- 18 • Jury Trial set for July 1, 2019 at 8:30 a.m.

19
20 WHEREAS, following some initial discovery, the Parties had a global mediation scheduled with
21 Hon. Kevin Murphy (Ret.) on October 25, 2018, along with the related and overlapping state court cases
22 of *Holman v. American Sugar Refining, Inc. dba C&H Sugar Company, Inc.*, Contra Costa County
23 Superior Court, Case No. CIVMSC18-00415, and *Brown v. American Sugar Refining, Inc. and C&H*
24 *Sugar Company, Inc.*, Contra Costa County Superior Court, Case No. CIVMSC18-00484;

25 WHEREAS, another related and overlapping case, *Strong v. C&H Sugar Company, Inc.*,
26 *American Sugar Refining, Inc.*, N.D. Cal. Case No. 4:17-cv-00480-RS, which also contained a wage-
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1 statement claim, settled earlier this year and is currently going through the settlement notice and
2 approval process;

3 WHEREAS, the Parties recently learned that the settlement notice period and final approval of
4 the *Strong* settlement has been further delayed due to a delay in obtaining preliminary approval and a
5 delay associated with adding several additional opt-ins to the settlement;

6 WHEREAS, the hearing for final approval of the *Strong* settlement is now scheduled to take
7 place on December 20, 2018. The deadline for settlement class members to submit a claim form, opt out,
8 or object to the *Strong* settlement is now November 12, 2018;

9 WHEREAS, the conclusion of the *Strong* settlement is necessary to any settlement of the
10 *Sanchez, Holman, and Brown* matters because individuals who opt in to the *Strong* settlement will
11 release their claims against C&H Sugar Company, Inc. and American Sugar Refining, Inc. and will
12 therefore not be eligible to participate in settlement of the *Sanchez, Holman, and Brown* matters. C&H
13 must therefore know the universe of individuals still at issue in *Sanchez, Holman, and Brown* after the
14 conclusion of the *Strong* settlement in order to meaningfully participate in the global mediation for
15 *Sanchez, Holman, and Brown*;

16 WHEREAS, the Parties are rescheduling the global mediation with Hon. Kevin Murphy (Ret.) to
17 January 22, 2019, after the expected final approval of the *Strong* settlement on or about December 20,
18 2018;

19 WHEREAS, with the current case deadlines and trial date in the instant matter, the Parties would
20 be required to complete fact discovery, spend resources on expert discovery, and prepare dispositive
21 motions, all in advance of and while the Parties are mediating. This would serve as an obstacle to
22 settlement and these resources could otherwise go toward a potential settlement; and

23 WHEREAS, for the reasons above, the Parties respectfully request a 90-day continuance of the
24 pertinent case deadlines and trial date, as set forth below:

25 NOW THEREFORE, it is hereby STIPULATED, subject to the Court ordering same, that:

- 26 1. All non-expert discovery will be completed by April 4, 2019;
- 27 2. Initial expert disclosures are due April 18, 2019;

3. Defendant's opening dispositive motion will be filed by April 29, 2019;
4. Rebuttal expert disclosures due May 2, 2019;
5. Plaintiff's combined opposition and cross motion brief will be filed by May 13, 2019;
6. Defendant's combined reply and opposition brief will be filed by May 27, 2019;
7. Plaintiff's reply to the cross-motion brief will be filed by June 10, 2019;
8. The last day for hearing dispositive motions is June 24, 2019;
9. Discovery of all expert witnesses must be completed by June 27, 2019;
10. The Pretrial Conference is continued to August 6, 2019 or any date thereafter deemed appropriate by the Court; and
11. The Trial is continued to September 16, 2019 or any date thereafter deemed appropriate by the Court.

IT IS SO STIPULATED.

DATED: November 8, 2018

BURTON EMPLOYMENT LAW

By: /s/ Scott S. Nakama

Jocelyn Burton
Scott S. Nakama

Attorneys for Plaintiff
RAUL SANCHEZ individually, and on behalf
of the general public, and as an "aggrieved
employee"

DATED: November 8, 2018

SEYFARTH SHAW LLP

By: /s/ Carrie L. Daughters

G. Daniel Newland
Justin T. Curley
Carrie L. Daughters

Attorneys for Defendant
C&H SUGAR COMPANY, INC.

ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I, Carrie L. Daughters, attest that concurrence in the filing of this Stipulation has been obtained from each of the other signatories.

/s/ Carrie L. Daughters

Carrie L. Daughters

MODIFIED
~~[PROPOSED]~~ ORDER

Pursuant to the stipulation by and between all Parties in the above-entitled action, it is hereby ordered that:

1. All non-expert discovery must be completed by April 4, 2019;
2. Initial expert disclosures are due April 18, 2019;
3. Defendant's opening dispositive motion must be filed by April ³⁰~~29~~, 2019;
4. Rebuttal expert disclosures are due May 2, 2019;
5. Plaintiff's combined opposition and cross motion brief must be filed by May ¹⁴~~13~~, 2019;
6. Defendant's combined reply and opposition brief must be filed by May ²⁸~~27~~, 2019;
7. Plaintiff's reply to the cross-motion brief must be filed by June ~~10~~, 2019;
8. The last day for hearing dispositive motions is June ~~24~~, 2019;
9. Discovery of all expert witnesses must be completed by June 27, 2019;
10. The Pretrial Conference is continued to August 6, 2019 ^{AT 2:00 PM} ~~for any date thereafter deemed appropriate by the Court~~; and
11. The Trial is continued to September 16, 2019 ~~for any date thereafter deemed appropriate by the Court~~.

IT IS SO ORDERED.

Dated: November 8, 2018


HON. ELIZABETH D. LAPORTE
United States Magistrate Judge

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